



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 24, 2023

BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Martin Handler, et al*, 23 Cr. 004 (JHR)

Dear Judge Rearden:

Pursuant to the Court's March 21, 2023 Opinion and Order (ECF No. 71 (the "Mar. 21, 2023 Op. & Order")), the Government provides below an update regarding the status of its search, pursuant to a search warrant (the "Search Warrant"), of cellphones seized incident to the arrests of defendants Martin Handler, Menachem Lieberman, Isidore Handler, and Ben Werczberger.¹

1. Lieberman Cellphone

The Government has extracted data from the Lieberman Cellphone, and the Government produced the full contents of that extraction to Lieberman only on March 2, 2023. The data extracted from the Lieberman Cellphone is extremely limited, comprising approximately 207 megabytes.

A filter team has since completed a review of data extracted from the Lieberman Cellphone for potentially privileged material and provided to the prosecution team data from the Lieberman Cellphone not identified as potentially privileged. The prosecution team expects to complete its review of data that is not potentially privileged by the end of next week and shortly thereafter to produce to all defendants any data identified as responsive to the Search Warrant. (As noted, *all* data from the Lieberman Cellphone has already been produced to Lieberman.)

Continued retention of the Lieberman Cellphone is necessary at this early stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the Lieberman Cellphone.

¹ Unless otherwise defined, capitalized phrases are assigned the same meaning set forth in the Mar. 21, 2023 Op. & Order.

2. I. Handler Cellphone

The Government has extracted data from the I. Handler Cellphone, and the Government produced the full contents of that extraction to Isidore Handler only on March 2, 2023. The volume of data extracted from the I. Handler Cellphone is substantial, comprising approximately 64.2 gigabytes (*i.e.*, approximately 321 times the size of the data extracted from the Lieberman Cellphone).

A filter team has since been conducting a review of data extracted from the I. Handler Cellphone for potentially privileged material. The filter team expects to provide the prosecution team with any data from the I. Handler Cellphone not identified as potentially privilege within two weeks. Thereafter, the prosecution team will conduct a review of data that is not potentially privileged.

Due to the uncertainty of the volume or complexity of data that will be made available to the prosecution team, the Government cannot currently estimate when it expects to complete its review of data that is not potentially privileged or when it will be able to produce to all defendants any data from the I. Handler Cellphone that is identified as responsive. (As noted, *all* data from the I. Handler Cellphone has already been produced to Isidore Handler.)

Continued retention of the I. Handler Cellphone is necessary at this early stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the I. Handler Cellphone.

3. Werczberger Cellphone

The Government has extracted limited data from the Werczberger Cellphone's SIM card, and the Government produced the full contents of that extraction to Werczberger only on March 2, 2023. That data has not yet been reviewed by a filter team.

The Government has not otherwise been able to decrypt and extract any data from the Werczberger Cellphone, and its efforts to do so remain ongoing.

[Intentionally Left Blank]

4. M. Handler Cellphone

The Government has not yet been able to decrypt or extract any data from the M. Handler Cellphone, and its efforts to decrypt and extract data from that cellphone remain ongoing.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/
Mary E. Bracewell
Catherine Ghosh
Daniel H. Wolf
Assistant United States Attorneys
(212) 637-2218 / 1114 / 2337

cc: All Counsel of Record